

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

UNITED STATES OF AMERICA

CRIMINAL NO. 09-00035

VERSUS

JUDGE ROBERT G. JAMES

HENRY L. MYLES

MAG. JUDGE KAREN L. HAYES

MEMORANDUM ORDER

On October 12, 2011, Magistrate Judge Karen L. Hayes issued a Report and Recommendation [Doc. No. 57], recommending that the Court deny Petitioner Henry Myles' ("Myles") Petition for Writ of *Habeas Corpus*, pursuant to 28 U.S.C. § 2255. Any objections to the Report and Recommendation were due October 31, 2011. Additionally, Petitioner was instructed in the Report and Recommendation that if he wished to obtain a Certificate of Appealability, he should file a brief in support of a COA by that same date, October 31, 2011.

On November 15, 2011, having received no objections or a brief in support of a COA, the Court adopted the Report and Recommendation and issued a Judgment denying Myles' Petition and also issued a denial of a COA. [Doc. Nos. 58 & 59].

On November 30, 2011, the Clerk of Court of received a document from Myles styled, "Petitioner's Objection to the Magistrate Judge Report and Recommendation" ("Objection") [Doc. No. 60]. The Objection was signed by Myles on November 18, 2011. Myles' Objection is untimely. He did not move for or receive an extension of the deadline for filing objections to the Report and Recommendation, and he offers no explanation for the tardiness of his filing. Therefore, the Court

need not consider his untimely objections.

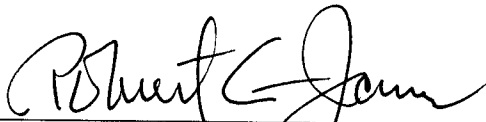
Moreover, the Court has reviewed Myles' Objection and, even if it were timely, the Court finds no reason to vacate its Judgment. Myles raises the same arguments previously presented to the Magistrate Judge and which the Court considered prior to rendering Judgment.

In the final paragraph of the Objection, however, Myles also requests that the Court "issue an [sic] COA, or in the alternative remand his sentence for reduction without the § 2K2.1(a)(2) enhancement." [Doc. No. 60, p. VII]. The Court has already denied a COA in this matter. However, to the extent that Myles moves the Court for reconsideration of its decision to deny a COA,

IT IS ORDERED that the motion for reconsideration contained in his Objection [Doc. No. 60] is DENIED.

If Myles wishes to appeal the Court's Judgment adopting the Report and Recommendation, he must do so by filing a Notice of Appeal within sixty (60) days of entry of the Judgment on November 16, 2011.

MONROE, LOUISIANA, this 8 day of December, 2011.



ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE